

# **Stakeholder Group Meeting**

## **Thurston County Mineral Lands Project**

Thursday, September 6, 2018

9:00am – 11:00am

Thurston County Courthouse Complex  
Building 4, First Floor, Room 100, WRP Conf Room  
929 Lakeridge Dr. SW, Olympia

### **In Attendance:**

Brian Ostrom	<i>Weyerhaeuser</i>	Mark Hancock	<i>Segale Properties</i>
Ryan Ransavage	<i>Miles S&amp;G</i>	Greg Schoenbachler	<i>Citizen</i>
Eric Kittlsby	<i>Miles S&amp;G</i>	Kathy Hargrave	<i>Sitts &amp; Hill Engineers</i>
Dave Lewis	<i>Miles S&amp;G</i>	Sue Danver	<i>Black Hills Audubon</i>
Bill Zachmann	<i>SSCFLT</i>	Maya Teeple	<i>Thurston County</i>
Katrina Van Every	<i>TRPC</i>	Allison Osterberg	<i>Thurston County</i>
Phyllis Farrell	<i>Sierra Club</i>		

### **Mineral Resource Lands Overview and Q&A**

Maya gave an overview of work completed at the last meeting and the purpose of this group.

- The mineral lands stakeholder meeting serves as a sounding board and to stimulate discussion and alternative areas of research. The group has met previously 6 times, discussing the inventory and classification update and designation of mineral resource lands. In this meeting, the stakeholder group is discussing policy for mineral resource lands.
- The Board of the County Commissioners approved staff to move forward with the Planning Commission recommendation, unchanged, but to evaluate policy options for the 1,000-foot separation distance. Additionally, the Commissioners asked staff to further evaluate the definition of a public park and preserve that exists in the current designation criteria.

At our last stakeholder meeting, we discussed public parks and preserves. Maya started off by giving a presentation on the types of parks in the Thurston County parks layer that was used during the initial analysis. The group had an open discussion about land trusts and ownership of property.

This meeting was geared with a more targeted approach, including specific questions:

- Does ownership of a park matter? Must it be a government entity (i.e., state, county, city)? Can it be owned by a non-profit or private entity?
- Must the property be open to the public?
  - What about properties closed to the public that protect sensitive habitat?
  - What about undeveloped parks with intent to be developed in the future?
- Does the use of the land matter? (i.e., lands for habitat and resource conservation, versus lands for active recreation, such as a playground or ballfield)
  - What about trails and trailheads?
  - What about off-road vehicle parks or dog parks?
  - What about boat launches?
- Should there be a minimum size or width?

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### **Mineral Resource Lands – Discussion on Parks Definition**

Below is a summary of concerns that were brought up under each question. This is intended as a summary of points that were presented from stakeholders.

#### **1. Does the ownership of a park matter? Governmental vs. Non-governmental**

##### **a. Must it be a government entity (i.e. state, county, city, federal)?**

- NO: Some Stakeholders think government ownership should NOT be a requirement.
  - Homeowner Associations (HOAs), private entities, and land trusts all may have land preserved for the same purposes as a government-owned preserve or park
  - Land Trusts, in particular, may have purchased land and placed in permanent easement, using public funds, with requirements for public access.
  - Land Trusts have to be certified, and are generally more established and likely to persist than other types of private entities (such as HOAs)
  - The use of the property is what matters.
  - If non-governmental parks are included in parks definition, sidebars could be put on “private” parks that are considered, i.e. must be open to public or conserve wildlife habitat; must be protected in perpetuity.
  - Greater administrative burden to update this layer on a regular basis with private parks. Not all are captured in the current layer.
- YES: Some Stakeholders think that government ownership SHOULD be a requirement.
  - Ownership changes over time; HOAs disband
  - Land trusts may not all be contiguous land (could be stretched across parcels), and their uses may not be the same throughout properties
  - Not all private (HOA specifically discussed) are for environmental purposes; they may be unbuildable
  - No public process/public input in the establishment of these areas
  - Opening this up makes it hard to determine the limit – ripe for abuse
  - Purchases of new “park” areas could be politically motivated specifically to limit mining
  - Private parks may be small
  - Identifying more areas as parks/preserves, excludes more area from MRL designation, which means a greater shift of environmental impacts to other areas, and potentially increased impacts from need to transport materials farther
  - If non-governmental parks are considered part of this definition, where is the limit?
  - One consideration was to have government parks be in the definition, and other parks (i.e., smaller active areas or privately owned) considered at the permit stage.
- Some stakeholders think that land trusts should not be considered part of the parks definition.

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- Land trusts often acquire land on the perimeter to act as a buffer to the area being protected.
- Although land trusts protect a natural resource or habitat, these are considered at permit stage.
- Nearby land uses such as non-governmental parks and land trusts are considered during SEPA and the Special Use Permit process.

### **b. Can it be owned by a non-profit or private entity?**

- If non-governmental owner, there should be some criteria:
  - Open to the public (or?) set aside specifically for habitat/species protection
  - Permanence (land will not be sold and put to another use; has some kind of binding easement determining future use)
  - “Meaningful” size – must be large enough, although this could be hard to determine (slippery slope)

## **2. Does the park need to be open to the public?**

### **a. What about properties closed to the public to protect sensitive habitat?**

- Should be limited to specific species, rather than generally for unspecified habitat or conservation
  - Some offered it could be limited to only threatened or endangered species
- Habitat and species considerations are sufficiently handled at the permitting stage through CAO review and SEPA

### **b. What about undeveloped parks with intent to be developed in the future?**

- Too much uncertainty about when park will be developed and for what – could be reviewed at the permitting stage
- Others feel undeveloped parks should be included in “park” list to preserve user experience
- Location adjacent to MRL should be a consideration when new parks are planned, since buffer will affect designated land

- Do the hours a park is open (or used) matter?
  - Hours will change over time, hard to track.

## **3. Does the use of the park matter?**

- YES: Looking for uses that are consistent/inconsistent with mining activity. What is the user experience?
  - Parks/preserves designated for passive recreation (hiking, birdwatching, biking non-motorized, quiet activities) are generally incompatible.

### **a. Should lands for habitat and resource conservation be considered a park?**

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- Yes - Should be considered part of the definition. They are protecting a resource that could be impacted by a mining operation.
- No - Should not be considered part of the definition. Habitat and wildlife are considered at the site level during SEPA.
- Whether they are included depends on if there are conflicting uses that already surround a park.

**b. Should lands that are used for active recreation (i.e. ballfield, playground) be considered a park?**

- Should consider potential for impact of particulate matter on kids using such areas – some think this would be sufficiently covered through SEPA review, or that it should only be buffered for a concrete or asphalt plant within a mining operation
- Active uses are typically noisy and possibly dusty – would not be inconsistent with adjacent mining activity and transportation to and from mine

**c. What about trails and trailheads?**

- Refers to regional multiuse trails, not hiking or other trails within other parks
- Rails-to-trails conversions may need to be converted back to rails some day – this may be part of agreement that converted them to trails. Railroad use not incompatible with mining activity.
- User experience not incompatible – people typically use these for parking or will be moving along path
- Don't need to hide mining activity from all view – appropriate to see these uses along some portion of trails

**d. What about off-road vehicle parks or dog parks? Boat ramps?**

- The user experience for these not incompatible with mining, noise expected by visitors.
- Boat launches should not be included in the definition. They primarily serve as a parking lot.
  - It was asked if shoreline is included. It is currently not included in the parks definition. It would be managed through the SMP.

**4. Should there be a minimum size?**

- Some say, there should be a minimum size & width.
  - 1,000 ft separation distance around a small park is still large.
  - 5 acre minimum to be equal to MRL designation requirement.
  - 1,000 ft width to be equal to MRL designation.
    - But, how to measure this? Maybe a mean width, rather than minimum, or include unless park is less than 1,000 ft at its widest.
    - Minimum width may be difficult to determine, for example, if property is a triangle.
- Some say, there should not be a minimum size or width.
  - Small “parks” sufficiently covered by other criteria discussed above (use, ownership, etc).

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- Small designated preserve area may still be significant.
- Width subject to dispute – not practical to implement

#### **Other concerns:**

- If a park is adjacent to an industrial area, mine, railroad, or a major road intersects the 1,000-ft separation distance, the buffer should not extend past the intense use.
- Although the permit stage is more accurate to evaluate surrounding uses at, some stakeholders feel it is difficult to present a defensible argument during the permitting stage due to time constraints and notifications requirements. Leaving review to the permitting stage places greater burden (cost and time) on public to seek out information, such as a biological opinion, and often timelines to respond are easy to miss by members of public who are busy with their own lives and not experienced in challenging land use applications.
- 1,000 ft separation distance:
  - 1,000 ft separation is arbitrary, better to be determined at permitting stage – sometimes adjacent use might require greater than 1,000 ft and sometimes less, or different separations on separate sides; additionally, park use, mine activity levels and size may be variable, with different uses, activities, and sizes warranting different size separation distances.
  - 1,000 ft separation is a minimum protective separation distance that the public can easily understand, whereas the specifics of the many levels of the permitting process can be hard to fully understand
- The resource should be close to the area it is being used. A member gave an example in California where aggregate is being shipped from Canada and Mexico – shipping can be environmentally taxing, and having available resources nearby is important.